

MEMO

TO: Donald C. Norseth, Distribution Engineer

FROM: Dennis Lowder, Cedar City Area Office

RE: Dispute On Alvey Wash, Tributary to Escalante River, Garfield County

On September 6, 1967, the Escalante Town Marshall, Reed Wooley, and I met with Thurman Spencer at his farm. A field inspection was made at this time concerning a dispute between Mr. Spencer and Leo Wilson on water that is being diverted from Alvey Wash. Mr. Wilson owns the farm adjoining Mr. Spencers.

The dispute arose between the two parties when Mr. Spencer was found diverting water from Alvey Wash onto his farm ground. Mr. Wilson claims that Mr. Spencer was diverting his water.

The water is being diverted at two locations in the Alvey Wash. Both points of diversion were in use at the time of the inspection. It was pointed out that at one time the farms that are now owned by the disputing parties were owned and operated as one farm by R. E. Wilson. R. E. Wilson submitted the original filing on Alvey Wash, Application No. 2074, in 1908 to the State Engineer's Office. Leo Wilson, his son, was deeded a portion of the original farm in 1917 and he contends that the entire water right under Application No. 2074 for 3.67 sec-ft. went with his portion of the land. An examination of the original proof maps submitted on the application show that much of the land being farmed by Mr. Spencer was irrigated from the present diverting system and from a third diversion that has since been abandoned. Mr. Spencer's deed to the property neither include or exclude water rights. Mr. Wilson claims that he has been the sole owner of the water right since he was deeded the ground, although, on certain occasions he has allowed Mr. Spencer to use the water when he didn't want it.

During our discussion, Mr. Spencer agreed to discontinue the use of water from Alvey Wash for the balance of the irrigation season to save having further trouble with Mr. Wilson. He said he hoped that the State Engineer could intervene and resolve the problem before the beginning of the 1968 irrigation season.